

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MHB, LLC	)	
	)	
and	)	
	)	
STEPHEN C. MURPHY	)	Cause No.:
	)	
Plaintiffs,	)	21 <sup>st</sup> Judicial Circuit
	)	St. Louis County, Missouri
vs.	)	Cause No. 12SL-CC04417
	)	
EVANSTON INSURANCE COMPANY	)	
	)	
and	)	
	)	
MARKEL SERVICES, INC.	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

COME NOW Defendants, Evanston Insurance Company and Markel Service, Incorporated, erroneously sued as "Markel Services, Inc." (collectively "Defendants"), and file this Notice of Removal to the United States District Court for the Eastern District of Missouri, Eastern Division, under 28 U.S.C. §§1332, 1441 and 1446. In support, Defendants state as follows:

1. On November 20, 2012, Plaintiffs MHB, LLC and Stephen C. Murphy (collectively "Plaintiffs") filed a three count Petition ("Petition") against Defendants in the Circuit Court for St. Louis County, Cause No. 12SL-CC04417.

2. Plaintiffs' Petition seeks to recover on an insurance policy for property loss.

3. The controversy in the above-referenced action is wholly between citizens of different states:

- a. Plaintiff, MHB, LLC, is a Missouri limited liability company, duly organized and existing under the laws of the State of Missouri, and upon information and belief, none of the members of MHB, LLC, are citizens of the State of Illinois or the Commonwealth of Virginia;
- b. Plaintiff, Stephen C. Murphy is a citizen of the State of Missouri;
- c. Defendant, Markel Service, Incorporated is a corporation duly organized and existing under the laws of the Commonwealth of Virginia, with its principal place of business in the Commonwealth of Virginia; and
- d. Defendant, Evanston Insurance Company, is an Illinois corporation with its principal place of business in the State of Illinois.

4. The matter in controversy, exclusive of interest and costs, exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000) in that Plaintiffs' Petition claims that Plaintiffs have been damaged in an amount that exceeds \$1 million. (*See Exhibit 1, ¶21, (Mo. State Court File)*).

5. Defendants were served with Plaintiffs' initial pleadings on December 6, 2012.

6. This Notice of Removal has been filed within thirty (30) days after receipt by Defendants of a copy of Plaintiffs' initial pleadings setting forth the claim for relief upon which said action is based. Therefore, this Notice of Removal has been timely filed pursuant to 28 U.S.C. § 1446.

7. Because complete diversity of citizenship exists between Plaintiffs and Defendants and because the amount in controversy in this action exceeds the sum of Seventy-Five Thousand Dollars (\$75,000), removal to this Court is proper pursuant to 28 U.S.C. §§ 1332 and 1446.

8. Defendants file herewith a copy of all process, pleadings and orders relevant hereto. The complete state court file is filed as an attachment to this Notice of Removal.

**WHEREFORE,** Defendants Markel Service, Incorporated and Evanston Insurance Company, request this Honorable Court to accept jurisdiction over this action.

BROWN & JAMES, P.C.

/s/ Sean P. Dolan

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Steven H. Schwartz, #36436MO

Sean P. Dolan, #62849MO

800 Market Street, 11<sup>th</sup> floor

St. Louis, Missouri 63101

314.421.3400

314.421.3128 (Fax)

[sschwartz@bjpc.com](mailto:sschwartz@bjpc.com)

[sdolan@bjpc.com](mailto:sdolan@bjpc.com)

*Attorneys for Defendant*

#### CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid this 27th day of December, 2012, to the following:

Terrance J. Good  
Rebecca M. Christensen  
Lashly & Baer, P.C.  
714 Locust Street  
St. Louis, Missouri 63101

/s/ Sean P. Dolan

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